

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Kumuram Bheem Asifabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR) Department – Cancellation of certificate by the District Collector, Kumaram Bheem Asifabad District vide Procgs. Rc.No.C2/1011/2019, dt.29.01.2020 - Appeal filed by Jarpula Vinod Kumar S/o. Somla R/o. Ankoda Village of Kagaznagar Mandal of Kumuram Bheem Asifabad District– Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 29

Dated: 27-11-2020
Read the following:-

1. GO Ms.No.24, TW (LTR) Department, dated 12.6.2018.
2. Procgs.Rc.No C2/1011/2019, dt.29.01.2020 of the District Collector, Kumuram Bheem Asifabad.
3. Appeal petition filed by Jarpula Vinod Kumar S/o. Somla R/o. Ankoda Village of Kagaznagar Mandal of Kumuram Bheem Asifabad District, dated 18.02.2020.
4. Govt.Memo.No.273/TW.LTR/2020, dated 06.06.2020
5. Lr.Rc.No.DOCKBA/C2335/0001/2020,dated:21.06.2020 of the Dist. Collector, Kumuram Bheem Asifabad.
6. Notice No.273/TW.LTR/2020, dt. 28.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Kumuram Bheem Asifabaad vide his orders in the reference 2nd cited, has issued orders in his Procgs.Rc.No.C2/1011/2019, dated 29.01.2020 that Jarpula Vinod Kumar S/o Somla R/o Ankoda Village of Kagaznagar Mandal of Kumuram Bheem Asifabad district is not a Local Schedule Tribe, basing on the following recommendations of the Scrutiny Committee.

- Appellant appeared before the Committee on 21.11.2019 and submitted following documents:
 - Khasra Pahani of Sy.No.102 PP of Ankoda village of Kagaznagar Mandal.
 - Current year pahani issued in the name of Jarpula Somla (father of applicant).
 - Family Tree duly signed and notarized.
 - Copy of 1959 voter list.
- Scrutiny Committee has finally concluded with the following findings:
 - Produced current year pahani in the name of Jarpula Somla (father of applicant).
 - Family Tree duly signed and notarized not submitted.

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- Copy of 1959 voter list submitted by the applicant is a fabricated / fake document.
- A show cause notice was issued to Jarpula Vinod Kumar S/o Somla R/o Ankoda Village of Kagaznagar Mandal of Kumuram Bheem Asifabad district to attend before the District Collector, Kumuram Bheem Asifabad district on 28.01.2020 to prove his claim as Local ST with relevant material/documents.
 - Accordingly, Jarpula Vinod Kumar S/o Somla has attended before the Dist. Collector, Kumuram Bheem Asifabad district on 28.01.2020 and after verification of documents; it is revealed that the records submitted by the appellant is not visible and unauthenticated and the voter list pertains to 1959 is fabricated/ fake.
 - The appellant has not produced any documentary evidence to prove residence in Agency area of his family members/forefathers since 1950. Hence the claim is rejected.

3. Aggrieved by the above cancellation orders of the District Collector, Kumuram Bheem Asifabad district, the Appellant Jarpula Vinod Kumar S/o Somla R/o Ankoda Village of Kagaznagar Mandal of Kumuram Bheem Asifabad district vide ref. 3rd read above, has filed an Appeal before the Government under GO Ms.No.24, dt.12.6.2018, praying to set aside orders of the District Collector, Kumuram Bheem Asifabad and allow the Appeal Petition. The contentions of Jarpula Vinod Kumar S/o Somla and the documents submitted along with the Appeal are as follows:

- He has been selected for the post of Secondary Grade Teacher (SGT) against ST Local vacancy in Adilabad Agency Area.
- DLSC KB Asifabad informed that he is not genuine.
- Therefore, he is submitting herewith all the evidentiary documents from 1950 to 2020 with a request to re-verify and consider his appeal.

Documents submitted along with the Appeal:

- Family Tree certified by the Tahsildar, Kaghaznagar Mandal, Dist. KB Asifabad bearing Rc.No.C/1198/2019, dt.17.12.2019 basing on the certification made by the VRO Kaghaznagar and MRI-II Kaghaznagar in respect of the family of Sri Jharpula Vinod Kumar S/o Jarupula Somla R/o Ankoda village.

As per family tree – Jarupula Vachya Banjara (great great grandfather of appellant). He has two sons viz., 1) Jarupula Saravan Banjara and 2) Jarupula Champla Banjara (great grandfather of appellant). Jarupula Champla Banjara has four sons viz., 1) Jarupula Pandya Banjara 2) Jarupula Chinna Venkya 3) Jarupula Kasinya (grandfather of appellant) and 4) Jarupula Jithu. Jarupula Kasinya (grandfather of appellant) has 2 sons viz., 1) Jarupula Sannasi and 2) Jarupula Somla (father of appellant). Jarupula Somla has 3 sons viz., 1) Jarupula Vinod Kumar (appellant herein) 2) Sai Kumar and 3) Prem Kumar.

- Copy of another affidavit duly notarized dt.7.2.2020 reiterating the same family tree.
- Translated copy of Faisal Patti for the village Ankoda, Taluka: Sirpur-T of erstwhile Adilabad District for the year 1950 showing name of Pandya Banjara (i.e. eldest brother of grandfather of appellant namely Jarupula Kasinya) for an extent of acs.0.10 in Sy.No.102 (Poramboke) and LR Assessment 0.25.
- Copy of pahani for the year 1949-50 of Anukoda village certified by Deputy Tahsildar, Sirpur-T Mandal and translated by K.Raja Rao, Ex-Patwari, Narnoor Mandal (expert in Modi language reading and translation) – wherein name of Pandya Banjara was shown in Sy.No.17.
- Copy of Khasra pahani for the year 1954-55 of Anukoda village certified by the Deputy Tahsildar, Kagaznagar showing name of China Venkya (elder brother of Jarupula Kasinya, grandfather of appellant).
- Copy of pahani for the year 1962-63 of Anukoda village certified by Deputy Tahsildar, Sirpur-T Mandal – wherein name of Jarupula Kasina (grandfather of appellant) was shown in Sy.No.102.
- Copy of pahani for the year 1969-1970 of Anukoda village certified by Deputy Tahsildar, Sirpur-T Mandal - wherein name of Kasinya (grandfather of appellant) was shown in Sy.No.102 for an extent of 0.16 gts.
- Copy of pahani for the year 1977-78 of Anukoda village certified by Deputy Tahsildar, Kagaznagar – wherein name of Kasinya Banjara (grandfather of appellant) was shown for an extent of ac.0.40 gts in Sy.No.102 PP.
- Copy of pahani for the year 1979-80 of Anukoda village showing name of Kasinya Banjara (grandfather of appellant) in Sy.No.102/57 for an extent of ac.0.40 gts.
- Copy of pahani for the year 1983-84 of Anukoda village showing name of Kasinya Banjara (grandfather of appellant) in Sy.No.102/57 for an extent of ac.0.40 gts.
- Copy of pahani for the year 1989-90 of Anukoda village showing name of Kasinya Banjara (grandfather of appellant) in Sy.No.102/57 for an extent of ac.0.40 gts.
- Copy of pahani for the year 1996-97 of Anukoda village showing name of Kasinya Banjara (grandfather of appellant) in Sy.No.102/57 for an extent of ac.0.40 gts.
- Copy of pahani for the year 1998-99 of Anukoda village showing name of Kasinya Banjara (grandfather of appellant) in Sy.No.102/57 for an extent of ac.0.40 gts.

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- Copy of PPB bearing No.394755 issued MRO Kagaznagar to Sri Kasinya Banjara S/o Champla (grandfather of appellant) under Patta No.35 – showing an extent of ac.0.40 gts in Sy.No.102/57.
- Copy of PPB bearing No.T16060200018 issued by Tahsildar, Kagaznagar to Sri Jarpula Somla Naik S/o Kasinya Naik (father of appellant) showing possession of land in Sy.No.102/57/1 extent 0.16 (ancestral property), Sy.No.102/64/1 extent 1.30 acres (assigned land) and Sy.No.102/81 extent acs.1.288 gts (assigned land) total ac.3.3480 gts.
- Copy of pahani for the year 2019 issued on 17.11.2019 through Mee Seva – showing name of Jarpula Somla Naik (S/o Kasinya Naik) (father of appellant) for an extent of 0.1600 gts in Sy.No.102/57/1 – laoni patta.
- Copy of Electoral roll for the year 1959 of Sirpur Constituency (verified with original attested by Deputy Tahsildar, Anukhoda village under Revenue Firka/Circle: Kagaznagar of Adilabad District - Sl.No.90 shows name of Kasinya S/o Champla (grandfather of appellant) under H.No.35.
- Copy of Voter list for the year 1977, Ankoda village, Sirpur Taluq, Part No.125 – shows names of Jarpula Kasinya S/o Champla at Sl.No.208, Jarpula Buti W/o Kasinya at Sl.No.209 under H.No.1-107.
- Copy of Voter list for the year 1984, Ankoda village, Sirpur Taluq – Polling Station No.66 – Kasinya S/o Champla (grandfather of appellant) at Sl.No.250 and Buti W/o Kasinya at Sl.No.251 under H.No.1-94.
- Copy of voter list for the year 1988, Ankoda village, Sirpur Taluq – Polling Station No.71 – Kasinya Naik S/o Champla (grandfather of appellant) at Sl.No.197, Bantibaik W/o Kasiniyanaik at Sl.No.198, Somlanaik S/o Kasiniyanaik (father of appellant) at Sl.No.199 under H.No.1-71.
- Copy of voter list for the year 1993, Ankoda village, Sirpur Taluq – Polling Station No.76 – Jarpula Kasinyanaik S/o Champla (grandfather of appellant) at Sl.No.262, Buttibai W/o Kasinya at Sl.No.263 and Somla S/o Kasinya (father of appellant) at Sl.No.264 under H.No.4-71.
- Copy of voter list for the year 1995, Ankoda village, Kaghaznagar Mandal – Polling Station No.076 – Jarpula Kasinanaik S/o Champla (grandfather of appellant) at Sl.No.257, Jarpula Buttibai W/o Kasinanaik (grandmother of appellant) at Sl.No.258, Jarpula Somla S/o Kasinanaik (father of appellant) at Sl.No.259 and Jarpula Amrutabai W/o Somla (mother of appellant) at Sl.No.260 under H.No.4-59.
- Copy of Voter list for the year 2009 – Ankoda village: Part No.13 – Jarpula Buttibai W/o Kasinyanaik (grandmother of appellant) at Sl.No.272, Jarpula Somla S/o Kasinanaik (father of appellant) at Sl.No.273, Jarpula Amrutabai W/o Somla (mother of appellant) at Sl.No.274 under H.No.4-59.

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- Copy of voter list for the year 2010 – Ankoda village – Jarpula Buttibai W/o Kasina Naik (grandmother) at Sl.No.266, Jarpula Somla S/o Kasinya Naik (father of appellant) and Jarpula Amrutabai W/o Somla (mother of appellant) at Sl.No.268 under H.No.4-59.
- Copy of voter list for the year 2012 – Ankoda village – Part No.13 – Jarpula Buttibai W/o Kasinya Naik (grandmother of appellant) at Sl.No.269, Jarpula Somla S/o Kasinya Naik (father of appellant) at Sl.No.270 under H.No.4-59.
- Copy of voter list for the year 2013 – Ankoda village – Part No.13 – Jarpula Buttibai W/o Kasinya Naik (grandmother of appellant) at Sl.No.281, Jarpula Somla S/o Kasinya Naik (father of appellant) at Sl.No.282 and Jarpula Amrutabai W/o Somla (mother of appellant) at Sl.No.283 under H.No.4-59.
- Copy of voter list for the year 2014 – Ankoda village – Part No.14 – Jarpula Somla S/o Kasinya Naik (father of appellant) at Sl.No.320 under H.No.4-59.
- Copy of voter list for the year 2016 – Ankoda village – Jarpula Somla S/o Kasinya Naik (father of appellant) at Sl.No.333 and Jarpula Amrutabai (mother of appellant) at Sl.No.334 and Jarpula Vinod Kumar S/o Somlanaik (appellant) at Sl.No.335 under H.No.4-59.
- Copy of voter list for the year 2017 – Ankoda village – Jarpula Somla S/o Kasinya Naik (father of appellant) at Sl.No.352, Jarpula Amrutabai W/o Somla at Sl.No.353 and Jarpula Vinod Kumar S/o Somlanaik (appellant) under H.No.4-59.
- Copy of voter list for the year 2018 – Ankoda village – Jarpula Somla S/o Kasinya Naik (father of appellant) at Sl.No.3356, Jarpula Amrutabai W/o Somla (mother of appellant) at Sl.No.357 and Jarpula Vinod Kumar S/o Somla (appellant) at Sl.No.358 under H.No.4-59.
- Copy of School Attendance Register for the year 1982– II grade – of MPUPS Ankoda, wherein name of Jarpula Somla S/o Kasinya was shown at Sl.No.9 (Admission No.56).
- Copy of School Attendance Register for the year 1984-85 – IV section– of MPUPS Ankoda, wherein name of J.Somla was shown at Sl.No.7 Admission No.56.
- Copy of report dt.20.04.2018 of MRI-II Kagaznagar Mandal submitted to Tahsildar, Kagaznagar.
- Copy of panchanama conducted by MRI II on 20.04.2018 – wherein the panchas stated that Sri Jarpula Vinod Kumar (i.e. appellant), his father and forefathers have been continuously residing in Anukoda village since 26.1.1950 and not migrated to any other village.
- The family tree drawn by the MRI II during panchanama dt.20.4.2018 corroborates with the Family Tree submitted by the appellant.

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- Copy of check memo for verification of genuineness of Local ST certificate signed by Tahsildar, Kaghaznagar Mandal, District Kumuram Bheem Asifabad – certified that the certificate No.C/252/2018, dt.12.05.2018 issued to the appellant Sri Jarupula Vinod Kumar S/o Jarupula Somla R/o Ankhoda village is genuine.
 - Agency Area Local ST Certificate as prescribed in GO Ms.No.24, TW (LTR) Dept. dt.12.06.2018 has been issued by the Tahsildar, Kaghaznagar Mandal bearing Rc.No.C/335/2019 – wherein it has been certified that Sri Jharupula Vinod Kumar S/o Jarupula Somla belongs to ST Lambada (28) community and himself and his parents/ grandparents have been continuously residing in Ankoda village since 26.1.1950, which is a notified village.
 - Copy of letter Rc.No.C/816/2018, dt.10.10.2018 of Tahsildar, Kagaznagar Mandal addressed to the District Educational Officer, Adilabad – wherein it was informed that the Agency Area Certificate issued from his office to Jarupula Vinod Kumar S/o Somla is a genuine one as the same has been issued on the basis of local enquiry and documentary evidences produced by the members of Ankoda village in support of his claim.
4. Therefore, the appellant Jarupula Vinod Kumar S/o Somla prayed the Government to consider his Appeal and do justice.
5. Vide reference 4th read above the District Collector, Kumuram Bheem Asifabad has been requested to submit original record pertains into the case along with Parawise Remarks.
6. Accordingly, vide reference 5th read above the District Collector, Kumuram Bheem Asifabad has submitted the original record of the case along with Para wise Remarks.
7. Vide reference 6th read above a Notice has been issued to the appellant to attend for hearing on 05.09.2020 before the Government to prove her claim along with documentary evidences. Accordingly the Appellant Jarupula Vinod Kumar S/o Somla has attended for hearing on 5.09.2020. and produced supportive documents that their family has been residing in the Agency Area since 26.1.1950.
8. The Government have verified the record sent by the District Collector, Kumuram Bheem Asifabad.
9. The District Collector, Kumuram Bheem Asifabad has cancelled the Agency Area Local ST Certificate of the appellant mainly on the following grounds:

Ground for cancellation	Observation
Produced current year pahani in the name of Jarupula Somla (father of applicant).	No adverse finding made by the Scrutiny Committee on this.

<p>Family Tree duly signed and notarized not submitted.</p>	<p>On perusal of para 2 of page 2 of District collector's proceedings, the committee has stated that the applicant Jarpula Vinod Kumar has attended before the committee on 21.11.2019 and submitted Family tree duly signed and notarized (as at Sl.No.3 of the Procs.of the Dist. Collector) and in the findings of the scrutiny committee, it was stated that the Family tree duly signed and notarized not submitted.</p> <p>As seen from the record, the Tahsildar, Kaghaznagar Mandal has certified the Family Tree in Rc.No.C/1198/2019,dt.17.12.2019 which is quite sufficient as it was clearly mentioned in it that the same was issued basing on the certification made by the VRO kaghaznagar and MRI-II Kagaznagar.</p> <p>Further, the MRI-II during his field enquiry on 20.4.2018 has also drawn the Family Tree in the presence of village elders under a cover of panchanama.</p> <p>The appellant has submitted another Notarized Affidavit dt.07.02.2020.</p> <p>The details of names mentioned in all the (3) Family Trees are corroborating with each other.</p>
<p>.Copy of 1959 voter list submitted by the applicant is a fabricated / fake document.</p>	<p>The voter appears of 1959 only and there is no evidence/substantiation that it is a fabricated/fake document. However, all the land documents, other voter lists, certificates, panchanamas conducted by the revenue authorities in Anukoda village establishes the fact that the appellant and his fore-fathers have been continuously residing in Anukoda village of Kagaznagar Mandal from before 1950.</p>

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10. Government after careful examination of the documents available on record sent by the District Collector, Kumuram Bheem Asifabad, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the Appellant Jarpula Vinod Kumar S/o Somla R/o Ankoda Village of Kagaznagar Mandal of Kumuram Bheem Asifabad district and his forefathers are continuous residents of Ankoda, an agency village in Kagaznagar Mandal of Kumuram Bheem Asifabad District since 26.1.1950 and the Agency Area Local ST Certificate bearing Rc.No.C/335/2019, dt.15.04.2019 issued by the Tahsildar, Kagaznagar Mandal as prescribed under GO Ms.No.24, dt.12.06.2018, is a genuine one and valid.

11. Accordingly, Government hereby set aside orders of the District Collector, Kumuram Bheem Asifabad district in Procs.Rc.No.C2/1011/2019, dated 29.01.2020 and allow the Appeal Petition filed by Jarpula Vinod Kumar S/o Somla R/o Ankoda village of Kagaznagar Mandal, Kumuram Bheem Asifabad District.

12. The District Collector, Kumuram Bheem Asifabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The District Collector, Kumuram Bheem Asifabad District.

Jarpula Vinod Kumar S/o Somla R/o Ankoda village of Kagaznagar
Mandal, Kumuram Bheem Asifabad District.

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
3. The District Educational Officer, Adilabad (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER